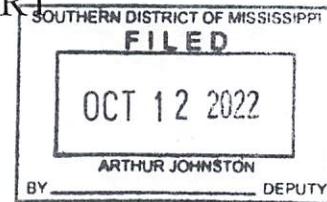


Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the

Southern District of MississippiNorthern Division

Case No.

3:22-cv-598-DPJ-FKB

(to be filled in by the Clerk's Office)

DEVONTA Young

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

MDOC; MTC

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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**I****The Parties to This Complaint****A.****The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

DEVONTE YOUNG

All other names by which  
you have been known:

N/A

ID Number

MDOC # 225111

Current Institution

EMCF - East Mississippi Correctional Facility

Address

P.O. Box 10641 Hwy 80 West

Meridian

MS.

39307

City

State

Zip Code

**B.****The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

MDOC - Mississippi Department of Correction  
CustodianJob or Title (*if known*)

N/A

Shield Number

Employer

MDOC Commissioner Nathan Bert Cain

Address

301 North State Street

Meridian

MS

39201

City

State

Zip Code



Individual capacity



Official capacity

**Defendant No. 2**

Name

MTC - Management Training and Corporation  
Contractual Custodian Security GuardJob or Title (*if known*)

N/A

Shield Number

Employer

Officer Bell; self

Address

P.O. Box 10641 Hwy 80 West

Meridian

MS.

39307

City

State

Zip Code



Individual capacity



Official capacity

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## Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Officer Triplett, For MTC;  
 Contractual Custodian Security Guard  
 N/A  
 P.O. Box 10641 Hwy 80 West MTC Branch;  
 P.O. Box 10641 Hwy 80 West  
 Meridian MS 39307  
 City State Zip Code

☒ Individual capacity☒ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Offender Eugene Robinson  
 Trustee Offender  
 N/A  
 Trustee For MTC Employees at Emct  
 P.O. Box 10641 Hwy 80 West  
 Meridian MS 39307  
 City State Zip Code

☒ Individual capacity☒ Official capacity

## II.

## Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

(A)

Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

(B)

Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The Plaintiff Young is suing for his “Federal Protected Constitutional Rights; U.S. Constitution, Bill of Rights; IV. And Unreasonable Search and Seizure; V. And Due Process; VIII. Cruel and Unusual Punishment, ETC.”

C.

Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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D.

Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

1. MTC Employee Bell, witness, the "Assault and Battery" offense, 9-14-2022  
However; Fail to Report it; but Allow the Act of Violence and  
Offender Robinson as Trustee to Act and Practice in Continued Favouring Position;

III

## Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) \_\_\_\_\_

IV

## Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A.

If the events giving rise to your claim arose outside an institution, describe where and when they arose.

B.

If the events giving rise to your claim arose in an institution, describe where and when they arose.

The Event occurred at EMCF-East Mississippi Correctional Facility  
P.O. Box 10641, Hwy 80 W. Meridian, MS 39307 Unit 3, C-Pod, 208 Cell  
is the Plaintiff Cell; The Incident arose September 14th 2022 on the Pod.

Additional Page

To Pg. 4 of 11

IN Failure to "Protect From Harm," Policy of Contracted Agency  
MDOC - Mississippi Department of Correction; which Guarantee Protection;  
From Abuse; Disease; Harassment; Humiliation; Prohibited Interference  
with Daily Living such as Eating and "Sleeping";

After she witness the Assault and Battery offense of the Facial; the Plaintiff's  
Face / nose to swell; and had to go Unattended to over 24-hours; -  
Almost; which cause Irritation; Soreness; Pain and Suffering; This Act  
Produce "cruel and Unusual Punishment, Inflicted;" and other Constitutional Violation  
of VI And Due Process; and Affordable Bill of Rights IV And. V And.  
VIII, And. XIV And.

Officer Triplett; when becoming Inform about the offenders / Plaintiff Young;  
Reporting the Incident; she then committed "Retaliatory Acts,"  
By Removing and restricted the Plaintiff Assistance security  
Custom; and Practice; and from Appointed Trustee Position; however;  
The Assaulting trustee Eugene Robinson; was Allow to Remain  
Active; as a Full Active Trustee; when she was aware of whom  
committed the Unlawful Act. THE MTC Handbook; Responsibilities  
Provide offenders has an right. "To Contact appropriate staff when either  
staff or inmates are personally Physically abusive."  
(her) retaliatory acts; Deprive the Plaintiff of his Life, Liberty,  
And Property without Due Process of Law; no classification; no PVR's  
Not hearing were Administered; the Act became cruel and unusual Inflicted.

Offender Eugene Robinson;  
At or around September 14th 2022 MR Robinson; an Offender by Acting as a  
Trustee for MTC; management training & Corporation Unit 3; Employee as hallwaker  
and pop orderly / and school Tutor; by multiple Position Train or Supervision Became  
Surely in Requirement of the Rules, Regulation, and Policy Due to Supervisory Theory;  
However; 9-14-2022 After Central Court; the accused in dispute disagreement;  
Swung and Physically Assaulted the Plaintiff young; with no Disregard for his safety,  
not well-being; and "Unreasonable search and seize" him; without Due Process of Law;  
without Consent; without Authority of Law MDOC Policy SOP # 20-05-01;



C. What date and approximate time did the events giving rise to your claim(s) occur?

The date of occurrence September 14<sup>th</sup> 2022; At or around 8:15<sup>pm</sup> To 8:25<sup>pm</sup>;

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The Plaintiff was Assaulted and Punch in his face and nostril area. 9-14-2022;  
The Defendant Trustee Eugene Robinson; Assault the Plaintiff without Authority...  
The defendant Himself Physically committed the offense; (Etc).  
The MTC Employee Officer Bell; witness the Unlawfully Act, 9-14-2022  
At Encl; Unit 3; C-603 by Cell-101 by the Bottom Shower;

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

"Injury Sustained; Pain and Suffering From Inflamed Pressure to Nose; Facial; and skull;  
Produce Swelling to Facial and nose; Redness and Soreness; Embarrassment; Irritation;  
of skin; Complexion; Loss of normal Breathing Capacity; "Legal Injuries;" Loss  
of Job as Trustee; where he had to Recross the government to Grievance;  
Fee to paid for Assistance for Legal matters; Medical Billing \$6:00 Dollars to  
\$1000<sup>00</sup> Emergency billing (Etc);

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

\$100,000<sup>00</sup> ONE hundred Thousand Dollars and cost

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

**A.** Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

*East Mississippi Correctional Facility P.O. Box 10641 Hattiesburg, MS 39307*

**B.** Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

**C.** Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

D.

Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E.

If you did file a grievance:

① Where did you file the grievance?

At End Grievance Dept. However; The Personnel Return An Breach of Duties; and Contradictory Term of Practice and regulation. Also. the state remedy was not obtainable!

2. What did you claim in your grievance?

I. Assault and Battery; by Another offender Acting as Fiduciary Duty; trustee; Sept. 14 2022; II. The Supervisory MTC Employee CO-1 sent to Director to Stop the Unlawful Act; Question the Assaultant; make appropriate Reports; Exhibiting 0th And; 1st And; and 14th And Violation

③ What was the result, if any?

"Fraud"; The MTC Personnel ATP Coordinator MARCO Ugaldes return on September 21st 2022. (rejection) without the necessity of Regulatory Standard of MOC and MTC Policies

④ What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

No; it would be a Conflict of Interest; The Fraud previously occurred At or Around September 21st 2022 by ATP Coordinator MARCO Ugaldes; its Prohibit to Monopolize the Government;...

This itself; would be Effects of Participating in an Non-standardize Procedure of "5 Days to Return the 2nd Step for ATP. Exhaustion This Exceed the Implementation of The Delegated Authority; and "raising a Question";



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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

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2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

---

G.

Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

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*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

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VIII.

#### Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A.

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

C.

Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

IX

**Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A.

**For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

10/4/2022

Signature of Plaintiff

Devonte young

Printed Name of Plaintiff

Devonte young

Prison Identification #

225 111

Prison Address

EMCF PO Box 10647 Hwy 80 WMeridian  
CityMS  
State39307  
Zip Code**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address



STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
BURL CAIN  
COMMISSIONER

Donald Jackson, Warden  
East Mississippi Correctional Facility

10641 Hwy 80W  
Meridian, Ms. 39307  
(601) 485-5255

September 21, 2022

Inmate: Devonte Young#225111 *3C 108*  
EMCF

RE: MULTIPLE REQUESTS

**Note: Please submit your request SEPARATE for each issue you are addressing**

It is suggested that you use the following guidelines as a checklist before resubmitting your "ARP" to ensure your request is accepted and handled by the Administrative Remedy Program.

- ☐ (1) Send a letter to the ARP Coordinator, 10641 Hwy 80 west Meridian MS 39307. The letter should be as brief as possible. Present as many facts as possible to answer all questions (who, what, when, where, how).
- ☐ (2) The original letter **must contain** the phrase **"This is a Request for Administrative Remedy "must be signed** in order to enter the ARP process.
- ☒ (3) Only one complaint/request will be accepted. If your letter contains more than one complaint/request, it will be rejected and returned to you.
- ☐ (4) The Administrative Remedy Program does not accept petitions or filing on behalf of another inmate. A single complaint must be filed by each individual inmate.
- ☐ (5) Make a copy of your letter and retain it for your records. You will not receive your original letter back and the institution is not responsible for furnishing you with a copy of your letter. If your letter concerns an RVR, a **completed** copy must be sent.
- ☐ (6) Your letter must be sent within thirty (30) days of an alleged event. (Unless in a case where you were ill and unable to write, etc.)
- ☐ (7) The volume of attached material is too great.
- ☐ (8) Note: Any type of requests for compensation will be returned. The ARP does not have the authority to do that. Compensation is an issue determined by the court and the ARP does not initiate lawsuits or matters involving the courts.

Sincerely,

*Marco Ugalde*  
Marco Ugalde, ARP Coordinator  
Administrative Remedy Program

PC: Inmate file





## East Mississippi Correctional Facility

## ARP

## THIS IS A REQUEST FOR ADMINISTRATIVE REMEDY

Devonte young  
Inmate Name

225 111  
MDOC#

3-C-108  
Housing Unit

Date of Incident: 9-14-2022  
Time of Incident: 8:15 PM - 9:25 PM  
Place of Incident: EMCF; Unit-3; C-Pod  
Alleged complaint: Amend. VIII; Amend. XIV(D); Amend. V. Amend. IV.;

At or around September 14th, 2022; At Unit; Unit-3; C-Pod; this  
offender young; After certified Court clear; my disagreement occurred  
between two Trustee Offenders; young and Eugene Robinson;  
Then the Suppose Supervisory or Head Trustee Robinson struck  
Trustee offender young in his face and nose area; before -

Relief Requested:

Request that these offices paid be cut for such; Unlawful  
Procedure; moved to different unit; return my full; detainer; \$25,000.00  
Outfits, Bag, Pain & Suffering; Lost Job; medical cost; future surgery;  
and taxation;

Devonte young  
Inmate Signature

9-16-2022  
Today's Date

RECEIVED

SEP 21 2022

EMCF  
ARP Department

"Officer Bell;" 7:00pm Shift; Officer Triplett was upon the Pod by the Door; Front Door; Officer Bell witness the Assault; Personally; However; Fail to question him; Report it to officers; Shift Commanders; nor Issue Any RVR - Rule Violation Report; However; Let the Offender Robinson; out Freely wandering about; without Disregards for the offender young's further safety; and well-being; Then offender young; After nothing nothing occurred by the Administration September 14th 2022; Then September 15th 2022 Reported it to medical; once at medical Offender young complained to medical Personnel Cameron; whom referred the Complaint to C.I.D. Criminal Investigation Division; Miss. Stewart; then they Place Offender Robinson; In Lockdown Confinement; Sept. 15th 2022;

The harm sustain had been cause by these officers; Failing to Report it; or Assessing the Incident to Records; Accordingly;  
 1. Cause the offender young; Free to swell; more; 2. Cause him more severely Embarrassment, distress; of guessing and wondering was he wrong for Unproven or Unpunishment of Offender Robinson - Unlawful Acts;  
 3. An Lost of hour to obtain and collect evidence of; or that Offender Robinson could have disposed of; clothes; Items; weapons; or hand Disruption from striking the other Trustee's head;  
 4. This Unreported Act; risk the opportunity that the camera Footage chance to be change; destroy; or tampered with; of the Location and whereabouts of the offenders on the Pod.; Sept 14th 2022 About 8:15pm to 8:25pm

From these Officer Acting "Deliberate Indifference;" to their Policy and Procedure;  
MTC Inmate Handbook; Pg. 22, Disciplinary Rules and Procedures;

East Mississippi Correctional Facility shall impose discipline on inmates utilizing  
 Mississippi Department of Corrections rules and procedures including disciplinary  
 Appeal Procedures. These rules and procedures are outlined as follows  
 in MDOC SOP 18.01.01 and the MDOC Inmate Handbook.

Prohibited Acts,

C 8. Assaultive Action Against Any Person resulting in serious Physical Injury.

After the offender Reported the Incident himself; then the MTC  
 Personnel;  
 Removed Offender young; from his Assistance Security duties;  
 when he was the Initial Victim to Assault by an Government workers;  
 Offender Robinson; Officer Bell; and Officer Triplett; Failing to Protect  
 From Harm; and Acted Deliberate Indifference to; MDOC Policy SOP  
# 20-05-01 Title Protection From Harm;

All Inmate are not to be subject to Corporal Punishment; Abuse; Disease;  
or Interference with Daily Function such as Eating and Sleeping.

The Neglect of Duties; resulted in deliberate Acts Contrary to what's Forbidden  
 Departure from Standards; Therefore the offender young has been Subject  
 Cruel and Unusual Punishment offenses; In Violation of U.S. Constitution  
 Bill of Rights Amendment VIII. Cruel and Unusual Punishment Clause.

Signature: Deonte young